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CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH **PROBATE**

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: BPRBS01011

CASE NAME: EVELYN ELIZABETH LAPOINT

HEARING:
Accounting Review

COUNSEL:

LAVERNE LAPOINT (PET)...JOHN F WEBER
EVELYN ELIZABETH LAPOINT (DEC)...
LAVERNE LAPOINT (PET)...JOHN F WEBER
EVELYN ELIZABETH LAPOINT (DEC)...
LAVERNE LAPOINT (PET)...JOHN F WEBER
EVELYN ELIZABETH LAPOINT (DEC)...
LINDA STEVENSON (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration with will annexed were issued on 12/6/06.
2. A probate status report was approved on 4/2/08.
3. Need accounting or next probate status report.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600103

CASE NAME: EST OF JACK HOWARD MEADOWS

HEARING:

Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:

PATRICIA FISK (PET)...ROBERT A KRASNEY
JACK HOWARD MEADOWS (DEC)...
ROBERT ZIPP (EXE)...ROBERT A KRASNEY
JACK HOWARD MEADOWS (DEC)...
ROBERT ZIPP (PET)...ROBERT A KRASNEY

Address: 7239 Yates Street, San Bernardino, CA 92404

Appraised Value: \$75,000 (reappraisal for sale 9/10/08)

Sale Price: \$75,000

First Overbid: \$79,250

Deposit: \$1,000 (Insufficient. Must be 10% absent special circumstances.
Local Rule 20-807(a). **Supp: Proposed purchase will deposit the
balance in cash to complete the sale within 10 days.**

Commission: 6%

Additional Bond: None

Reason for Sale: Necessary to pay debts and expenses of administration

Market Exposure: Listing.

Notice: **Proof of publication, however, said proof does not comply with Pr.C. §10253.**

Notes: Petitioner alleges there is no specific devise of the real property (section 8a). In fact, the real property is left to a Patty Fisk. **Patty Fisk has consented to said sale (see consent tabbed)**

FUTURE HEARING DATES:
1/12/09 Probate status report filed.

Abs/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600197

CASE NAME: EVA COTE

HEARING:

Petition for ADMINISTRATRIX AND PETITION FOR SETTLEMENT; AND FOR
FINAL DISTRIBUTION

COUNSEL:

JEANET CAMPBELL	(PET)...	CHRISTINA FERRANTE
EVA COTE	(DEC)...	
JEANET CAMPBELL	(PET)...	CHRISTINA FERRANTE
EVA COTE	(DEC)...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for final distribution upon waiver of accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration with will annexed issued on 3/8/07.
2. Both beneficiaries waive an accounting.
3. Did decedent have a predeceased spouse who received Medi-Cal benefits?
Need verified supplement.
4. Petitioner reports that the administration was settled by agreement whereby the two beneficiaries received \$10,000 each (\$20,000 total) from their father (decedent's ex-spouse) in return for relinquishing their claim to the estate real property. Concern that the estate funds have already been distributed without court authority (which is not proper even in the face of a settlement agreement calling for such distribution). Need P&As supporting unauthorized preliminary distribution of the entire estate.
5. Petitioner does not request compensation.
6. Atty does not request fees because they have already been paid outside of probate by the ex-spouse. It is highly improper for fees to be taken prior to court approval. Need P&As supporting same.

7. Petitioner states that the whole of the estate was decedent's separate property but that Craig Cote (ex-spouse) had a substantial interest as joilent owner and for reimbursements. Petitioner then requests "confirmation of this agreement." (See paragraph 16 of petition, tabbed.) Issues:
 - a. The statement is internally inconsistent. Was the estate real property entirely separate property or held jointly? If held jointly, how was it held and was it then properly estate property?
 - b. It is unclear what agreement petitioner seeks to be confirmed by the court. Is it the settlement agreement (which is not referenced in paragraph 16 of the petition) or the fact that the property was separate (which is not clear and which is not an "agreement"). Need verified supplement clarifying request.
8. Petitioner proposes distribution per the laws of intestate succession yet a will was attached to the probate petition and letters of administration with will annexed were issued. (Petitioner adds that distribution was made via the settlement agreement but the premise of the entitlement to distribution is flawed.) Need verified supplement clarifying/correcting.
9. the settlement agreement (Exhibit A, tabbed – see p. 3) also states that an additional \$1,000 shall be deposited into petitioner's counsel's trust account to cover additional probate costs yet this amount (and any paid costs) are not addressed in this petition. Were funds received and/or were costs paid? And if received and no costs were paid, what is to become of the funds? Need verified supplement.
10. Need notice of hearing and proof of service.

RECOMMENDATION

Need to clear notes.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600225

CASE NAME: RE ESTATE OF LEIGH HALL BACH

HEARING:
Hearing Re: STATUS OF ADMINISTRATION

COUNSEL:
PATRICIA A SPINOSA (PET)...ELIZABETH F COURTNEY
LEIGH HALL BACH (DEC)...

GENERAL INFORMATION:

Continued from 6/10/08 at request of counsel. Nothing new filed.
Continued from 7/16/08 at request of counsel.
Continued from 9/17/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON Status of Administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued 2/20/07 (full authority, no bond)
2. Petitioner alleges the estate is not yet in a position to close as decedent's predeceased spouse's estate has assets to be distributed to this estate. Petitioner estimates an additional nine months to conclude this estate administration.

RECOMMENDATION:

Need notice and then court's discretion. If approved, set next accounting review for 11/18//09 (one year). Accounting to be filed 30 days in advance.

gls/abs/abs/cbr/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700021

CASE NAME: **MF** ALICE B GRAHAM

HEARING:

FIRST AND FINAL Account and Report of LLOYD E HARRIS and
Petition for allowance of fees filed.

COUNSEL:

FLORENCE ANN HARRIS	(PET)...	LAYNE A BARTHOLOMEW
ALICE B GRAHAM	(DEC)...	
LLOYD E HARRIS	(PET)...	ROBERTA L. TAYLOR & ASSOCIATES
BETH E GRAHAM	(DEC)...	

GENERAL INFORMATION

Continued from 9/10/08 for objections to be filed by Attorney Bartholomew. Court granted a preliminary distribution of \$30,000

THIS CASE SET FOR HEARING ON 1st and Final Account and report and petition for allowance of fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests statutory commission of \$8,142.93. Ok
2. Petitioner requests attorney statutory fees of \$8,142.93. Ok
3. Petitioner requests reimbursement of cost to attorney in the amount of \$908.07. Itemized.
4. The accounting does not balance by \$1,373.43. Petitioner proposes to take the discrepancy as an off-set against his distributable share (see note 5). Thus, it would be presumed that petitioner does not know where the discrepancy is in the accounting. **Amended Accounting is filed which now balances.**
5. Petitioner requests reimbursement of expenses paid in advance of \$7,133.63; itemized through 09/30/08. Ok.
6. Attorney Roberta Taylor requests reimbursement of costs advanced totaling \$908.07. Itemized. Ok.
7. Petitioner requests authority to withhold \$1,000 for closing expenses. Ok.

8. Petitioner requests attorney's extra-ordinary fees of \$3,580.00 for 14.25 hours at \$80/\$280 an hour; itemized. The aforementioned services were incurred by preparing for Trial re competing petitions and follow up hearings. Counsel has filed a declaration showing that extraordinary fees have been earned (In re Walker [1963] 221 Cal. App. 2d 792).
9. **Objections filed by Florence Harris by counsel, Attorney Bartholomew.**
10. **Response to objections filed.**

RECOMMENDATION

Set for contested hearing.

(cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700045

CASE NAME: ESTATE OF ARTHUR WILLIAM MATHEW

HEARING:
Hearing re Final Discharge

COUNSEL:
MARK ALLEN MATHEW (PET)...JULIA M WOOD
ARTHUR WILLIAM MATHEW (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The final discharge order was entered on 11/6/07.
2. Receipts have been filed.
3. The state Franchise Tax Board filed a \$1,787.84 claim on 9/5/08. Suggest court inquire.
4. Ex parte petition for discharge is submitted.

RECOMMENDATION

Inquire re status of Franchise Tax Board claim. If paid, court can take this matter off calendar.

Abs/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700319

CASE NAME: OLGA WHITE

HEARING:
Accounting Review

	COUNSEL:
PENNY SERRANO	(PET)...JAMES BRUCE MINTON
OLGA WHITE	(DEC)...
VANCE WHITE	(OBJ)...CALDWELL, KENNEDY & PORTER, A.

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued on 10/22/07.
2. Need accounting or probate status report.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700581

CASE NAME: MTR OF IZOLA SUE FIGLEY-BAKER

SEE ALSO 9

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
ART FIGLEY (PET)...SANDY TURNER
IZOLA SUE FIGLEY-BAKER (DEC)...

GENERAL INFORMATION

Continued from 3/5/08 to research property tax certificate. (Representative had failed to complete Property tax certificate at section 5 of I&A.)

Continued from 5/14/08 at request of counsel. Nothing new filed.

Continued from 6/11/08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Inventory & Appraisal.

THE FOLLOWING ISSUES AND / OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final Inventory and Appraisal has been filed. The statement re Property Tax Certificate (Section 5) is not completed. Need Property Tax Certificate.

RECOMMENDATION:
Require Property Tax Certificate.

Kms/gls/abs/abs/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700581

CASE NAME: MTR OF IZOLA SUE FIGLEY-BAKER

SEE ALSO 8

HEARING:
Accounting Review

COUNSEL:
ART FIGLEY (PET)...SANDY TURNER
IZOLA SUE FIGLEY-BAKER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 8/28/07.
2. Need accounting or probate status report.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700815

CASE NAME: JEFF WEGER

HEARING:

Petition for TERMINATION OF PROCEEDINGS AND DISCHARGE OF
PERSONAL REPRESENTATIVE

COUNSEL:

RICHARD LYNN WEGER (PET)...CALDWELL, KENNEDY & PORTER, A.
JEFF WEGER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition to terminate probate administration proceedings for want of assets (Pr.C. §12251)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued on 9/3/08, no bond.
2. No I&A or accounting has been filed.
3. Representative now petitions to terminate these proceedings on the basis that the only potential estate assets were funds wrongfully removed from decedent's bank accounts but that after discovery from the banks, representative has decided not to pursue the recovery of funds. Representative adds that there are no other assets subject to administration.

RECOMMENDATION

Court's discretion. If approved, no future dates need be set.

Abs/gls

FUTURE HEARING DATES:

1/28/09 Accounting Review, 1/28/09 Hearing re: Inventory and appraisal

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700975

CASE NAME: ELEANOR I. BOLLIGER LIVING TRUST

SEE ALSO 12

HEARING:
Petition for ORDER DIRECTING TURN OVER OF PERSONAL PROPERTY TO
TRUSTEE

COUNSEL:

STEPHANIE CONNER	(PET)...	CHARLES K. MILLS	
NANCY J GRAY	(OBJ)...	PRO/PER	
STEPHANIE CONNER	(CHARLES K. MILLS)...	CHARLES K
STEPHANIE CONNER	(CHARLES K. MILLS)...	CHARLES K

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for turnover of personal property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that trustor created a living trust in 1992, died soon after in 1992, that Nancy Gray was appointed successor trustee but that she failed to settle the trust administration and misappropriated assets from 1992 to 2007, that petitioner brought a trust action to recover assets and remove Gray that was granted, that the court required an accounting by Gray, that Gray submitted a document admitting that she owed \$2,016.81 to the trust, but that the amount has not been tendered by Gray. Petitioner seeks recovery of those funds from Gray.
2. Petitioner is the successor trustee.
3. Petitioner also asserts that Gray allowed her son, Michael Irvine, to reside in trust property upon the payment of the mortgage on the property, that petitioner removed the son from the property but that the son failed to pay one month's

mortgage, and that the loss was caused by Gray and therefore Gray should be required to pay the \$1,416.94. Appears that this amount is a new claim that would need to be proven via an evidentiary hearing and to establish Gray's liability for the amount. JTD.

4. Petitioner's final accounting is on calendar (see other page this date). Appears this matter would need to be settled first.
5. Need notice of hearing and proof of personal service per Pr.C. 851 (mailed notice is insufficient – this is a new claim for damages).

RECOMMENDATION

Need notice then court's discretion.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700975

CASE NAME: ELEANOR I. BOLLIGER LIVING TRUST

SEE ALSO 11

HEARING:
FIRST AND FINAL Account and Report of STEPHANIE CONNER and
Petition for allowance of fees filed.

COUNSEL:

STEPHANIE CONNER	(PET)...	CHARLES K. MILLS	
NANCY J GRAY	(OBJ)...	PRO/PER	
STEPHANIE CONNER	(CHARLES K. MILLS)...	CHARLES K
STEPHANIE CONNER	(CHARLES K. MILLS)...	CHARLES K

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
First and final trust accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. See prior page re Pr. C. 850 petition for factual background.
2. Petitioner notes that the court previously imposed a turn-over order upon Gray as well as \$157,191.38 damages against Gray. Petitioner recognizes the Pr.C. 850 petition currently pending against Gray. Need to resolve that matter first (so that recovered assets can be included in the account and distribution).
3. The proposed distribution reflects a credit/charge re Gray, a distribute as well as a \$45,000 preliminary distribution.
4. Petitioner requests leave to abandon additional unliquidated claims against Gray on the basis that a large judgment has already been obtained against Gray. JTD.
5. Petitioner/atty request ratification of reimbursement for costs advanced but the itemized costs are not totaled and this request is not included in the prayer.
Supp: the cost reimbursement is \$1,080.31. Itemized. JTD

6. Atty requests \$3,200 in addition to \$17,000 already paid for a total of \$20,200. JTD. Itemized for a total of 78.8 hrs (per itemization column total) or 79.8 (per final statement in counsel's declaration or 80.8 per the math (\$20,200 at \$250/hr would require 80.8 hrs). See tab in file.
7. Trustee waives fees.

RECOMMENDATION

Court's discretion. If approved, court to set hearing on filing receipts and final discharge for 11/18/09.

Abs/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0701189

VACATE – ADDITIONAL BOND POSTED 10/14/08

CASE NAME: BARBARA J STEWART

HEARING:
Hearing Re: Proof of posting of additional bond

COUNSEL:
ROBERT B STEWART (PET)...JOHN G WURM
BARBARA J STEWART (DEC)...

FUTURE HEARING DATES:
4/28/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800115

CASE NAME: JOHN WILLIAM BARLING

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DAN BARLING (PET)...STEVEN D. KRAMER

JOHN WILLIAM BARLING (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 4/24/08, \$125,000 bond.
2. A Final I&A has been filed. Issues:
 - a. The I&A indicates \$162,910.45 estate assets but alleges that bond is sufficient, which does not appear to be true. The personal representative and attorney have a duty to immediately bring an ex parte application for order to increase bond when the facts making it necessary become known. CRC Rule 7.204. The Court may revoke full IAEA powers for good cause. Pr.C. 10454(d). Suggest court set OSC re bond sufficiency and re monetary sanctions against personal representative and/or attorney.
 - b. Attachment 1 of the I&A indicates \$55,410.45 cash proceeds from a WCAB case. Are these proceeds in a bank account? If so, need bank statements per Local Rule 20-908. If not, is a copy of the check available? Need verified supplement.
3. Suggest court notice bonding company.

RECOMMENDATION

Need to clear notes.

abs

FUTURE HEARING DATES:

6/10/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800119

CASE NAME: MTR OF JOANN CHADWELL

VACATED- FINAL I&A FILED.

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
JOSEPH D CHADWELL (PET)...JAMES B CHURCH
JOANN CHADWELL (DEC)...

FUTURE HEARING DATES:
6/10/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800249

CASE NAME: PAUL W MORROW

HEARING:

FIRST AND FINAL Account and Report of THOMAS W MORROW and
Petition for allowance of fees filed.

COUNSEL:

THOMAS W MORROW (PET)...HARTNELL LISTER & MOORE
PAUL W MORROW (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner waives statutory compensation.
2. Attorney requests statutory fees of \$2,140.00. Ok.
3. Petitioner requests authority to withhold \$1,000.00 as a reserve for taxes yet
due and unforeseen contingencies.

RECOMMENDATION:

RFA. If approved, court to set hearing on filing receipts and final discharge for 11/18/09.
(gls)

FUTURE HEARING DATES:

12/17/08 Hearing re: Inventory and appraisal
7/22/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800313

CASE NAME: RAYMOND G JOSEPH

HEARING:

WAIVER OF Account and Report of FAYE W JOSEPH and Petition for
allowance of fees filed.

COUNSEL:

FAYE W JOSEPH (PET)...CALDWELL, KENNEDY & PORTER, A.
RAYMOND G JOSEPH (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for final distribution upon waiver of account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 5/14/08.
2. All heirs waive an accounting.
3. Petitioner waives compensation.
4. Atty requests \$4,288.13 statutory fees. Calculated.

RECOMMENDATION

RFA. If approved, set hearing re receipts and final discharge for 11/18/09.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800843

CASE NAME: RICHARD ALBERT VOCE

HEARING:

Hearing re: Petition for Probate of Will and Letters with
limited authority IAEA.

COUNSEL:

RICHARD GERALD VOCE II (PET)...MICHAEL W BROWN
RICHARD ALBERT VOCE (DEC)...

GENERAL INFORMATION

Letters of special administration were issued on 9/17/08, \$1,138,500 bond.

THIS CASE IS SET FOR HEARING ON

Petition for letters testamentary, limited authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests \$1,138,500 bond based upon estimated estate value of same. Appears ok.

RECOMMENDATION

RFA, \$1,138,500 bond. If approved, set hearing re Inventory & Appraisal for 6/17/09. Set accounting/status review for 1/13/10. Accounting to be filed 30 days prior. Note Local Rule re filing of bank/investment statements.

Abs/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800867

CASE NAME: ESTATE OF DAVID DOUGLAS BLAIR

HEARING:
Petition for FOR ORDER CONFIRMING TRUST ASSET

COUNSEL:
STEPHANIE BLAIR (PET)...BETTY AUTON-BECK
DAVID DOUGLAS BLAIR (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for order confirming trust asset.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent/trustor left a trust and pour-over will. Petitioner, as successor trustee, seeks a determination that decedents Sunnyvale, CA real property is a trust asset despite not having been deeded into the trust. Petitioner points out that Schedule A to decedents trust instrument (Exhibit A) lists the subject real property as a trust asset. Petitioner apparently proceeds per Estate of Heggstad (1993) 16 Cal.App.4th 943 though it is not cited.

RECOMMENDATION

Court's discretion. If approved, no future dates need be set.

Abs/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800875

CASE NAME: BEVERLY B. SOUZA

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

JEFFREY D SMITH	(PET)...PRO/PER
BEVERLY B SOUZA	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters testamentary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests no bond on the basis that the will waives bond and he, as sole beneficiary, waives bond. However, petitioner is an Ohio resident. This court typically requires bond of non-resident representatives even upon waiver. Does court wish to require minimum bond (\$20,000) or full bond (\$374,000)? JTD.
2. Section 8 of petition does not list all persons named in the will (e.g., William Souza). Need verified supplement and notice of petition to administer with proof of service for same.

RECOMMENDATION

Need to clear note 2. If approved, set hearing on the filing of an inventory and appraisal for 6/17/09. Set hearing on accounting review for 1/13/10. Accounting to be filed 30 days in advance.

Abs/gls

Superior Court of Calif, County of San Bernardino

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CIVCAL4

Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800877

CASE NAME: MTR OF GILBERT VASQUEZ

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

RAMONA MARTIN
GILBERT VASQUEZ

(PET)...LAYNE A BARTHOLOMEW
(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests \$270,000 bond based upon estate value of \$265,50.
Appears ok.
2. Petitioner, who was daughter and conservator of decedent prior to death, attaches a photocopy of a will and codicil but does not seek to probate them (and seeks only letters of administration) because petitioner does not have any evidence that decedent did not destroy/revoke the will as would be required to probate a lost will per Pr.C. 6124. See Attachment 2(c) for additional detail (tabbed). Petitioner states that the original will would be provided/probated if discovered. Note that issues re the will/codicil would need to be resolved at that time (e.g., the will incorporates the terms of a trust that is not attached, will is not self-proving, the codicil is not witnessed by two persons, etc.).

RECOMMENDATION

RFA, \$270,000 bond. If approved, set hearing re Inventory & Appraisal for 6/17/09. Set accounting/status review for 1/13/10. Accounting to be filed 30 days prior. Note Local Rule re filing of bank/investment statements.

Abs/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS01445

CASE NAME: BURTON BACH

HEARING:
Petition for SPOUSAL PROPERTY

	COUNSEL:
RANDI BACH	(PET)...PRO/PER
BURTON BACH	(DEC)...
LEIGH H BACH	(PET)...ALLAR, SHELTON & O'CONNOR
PATRICIA A SPINOSA	(PET)...ELIZABETH F COURTNEY
BURTON BACH	(DEC)...
DAWN FORBES	(RES)...PRO/PER

GENERAL INFORMATION

Continued from 9/17/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON
Spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the personal representative of the post-deceased spouse of decedent who seeks 100% of decedent sole and community property based upon decedent's will (determination of decedent's property passing to spouse's estate and confirmation of spouse's interest). Spouse to receive decedent's entire estate with the exception of two pecuniary bequests that have been assigned to spouse.
2. Proof of service filed. No opposition filed as of date of review.

RECOMMENDATION

Court's discretion. If approved, no future dates need be set.

Abs/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06657

CASE NAME: ESTATE OF LEROY BRAMAN

SEE ALSO 23

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
TODD BRAMAN (PET)...A. MERLE SESSIONS
LEROY BRAMAN (DEC)...

COMPANION FILE= SCSS02790

THIS CASE IS SET FOR HEARING ON filing Inventory & Appraisal
Continued from 6/18/08 at request of counsel. Nothing new filed.
Continued from 8/6/08 at request of counsel. Nothing new filed.
Continued from 9/17/08 at request of counsel. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Conservator appointed 4/15/05, \$124,000 bond. **Update: Final accounting on conservatorship was approved 6/18/08. Need corrected I&A and accounting in this estate case (which is to receive the assets of the conservatorship and pass them to the sole beneficiary.)**
2. Inventory and Appraisal filed 12/26/07, no bank statements to support bank account balances. Need bank statements.

RECOMMENDATION:
See discussion under waiver of accounting on the probate matter.

cbr/KRA/NMT/abs/abs/abs

Superior Court of Calif, County of San Bernardino

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CIVCAL4

Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08

TIME: 9:00

DEPT: E1

CASE #: SPRSS06657

CASE NAME: ESTATE OF LEROY BRAMAN

SEE ALSO 22

HEARING:

Waiver of account and for final distribution.

COUNSEL:

TODD BRAMAN

(PET)...A. MERLE SESSIONS

LEROY BRAMAN

(DEC)...

COMPANION FILE= SCSS02790

GENERAL INFORMATION

Continued from 05/12/08 at request of counsel who was ill.

Continued from 6/18/08 at request of counsel. Nothing new filed.

Continued from 8/6/08 at request of counsel. Nothing new filed.

Continued from 9/17/08 at request of counsel. Nothing new filed.

THIS CASE SET FOR HEARING ON Inventory and Appraisal

1. After conservatorship matter is closed then petitioner will have to file an amended waiver of accounting verified by the petitioner and not by counsel. Petitioner will also have to file a corrected inventory and appraisal showing the assets that are transferred from the conservatorship. Court will also have to differentiate between the probate fees requested and the conservatorship fees requested. **Update: Final accounting on conservatorship was approved 6/18/08. Need corrected I&A and accounting in this estate case (which is to receive the assets of the conservatorship and pass them to the sole beneficiary.)**
2. No amended waiver of accounting has been filed.
3. No corrected Inventory and Appraisal has been filed. (See prior notes from 04/21/08)

RECOMMENDATION

Court's discretion.

cbr/abs/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002805

CASE NAME: IN RE TIERRA JONES (A MINOR)

HEARING:

SECOND Account and Report of ANNA GREEN and Petition for allowance of fees filed.

COUNSEL:

ANNA GREEN (PET)...THE GROSSMAN LAW FIRM A.P.C
TIERRA JONES (MIN)...
ANNA GREEN (PET)...THE GROSSMANLAW FIRM, A.P.C
BOND SERVICES OF CALIFORNIA (TP)...PRO/PER

GENERAL INFORMATION

Continued from 10/1/08 at request of counsel. Amended second account filed (included in notes below).

THIS CASE IS SET FOR HEARING ON

Second account of SNT and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. A petition to create a SNT was approved on 10/7/05, \$174,000 bond.
2. Accounting period 1/1/07 to 5/31/08 (17 months).
3. Petitioner waives compensation.
4. Assets on hand \$182,047.47. Appears \$174,000 bond is insufficient, especially in light of \$14,584.98 annual income/receipts and need to increase bond by 10% for cost of recovery. **Supp: Petitioner alleges that with the current assets on hand less the propose fees/expenditures for this accounting period, then \$174,000 is sufficient. JTD**
5. Petitioner requests \$60/mo compensation for communicating with financial and legal professionals re the conservatorship (2 hrs x \$30/hr) from 7/1/08 forward plus \$2,100 fees for accounting period (2 hrs/month x 31 months plus 3 hrs to set up brokerage account plus 5 hrs for income tax returns and accounting). Question why monthly fees would be multiplied by 31 months when the

accounting period is 17 months. **Supp: Petitioner alleges no compensation for any services have been paid. Petitioner seeks 31 months of fees from November 2005 (the creation of the Trust) through the end of this accounting period. JTD**

6. Atty requests \$1,637.50 fees. Itemized tasks amount to 6.55 hrs at \$250/hr. JTD.
7. Petitioner request authority to pay \$3,507 to other counsel to represent trustee of the special needs trust. Calculated as 9 hrs, atty at \$435/hr and paralegal at \$180/hr. JTD.
8. Petitioner requests authority for a \$1,200 family trip to Disneyland. Itemized at p. 5. JTD.
9. Petitioner requests authority for trustee to spend up to \$22,000 to buy a vehicle for beneficiary that would be used by petitioner to provide reliable transportation. JTD.
10. Petitioner requests authority to spend \$100/mo for housekeeping help on the basis there are three children in the house including one with disabilities. JTD.
11. Petitioner requests a transfer of venue to Los Angeles County. Trustee and beneficiary live in Pasadena and there is no SB County trust property. JTD.

RECOMMENDATION

Court's discretion.

Abs/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS003055

CASE NAME: ESTATE OF IRMA L BONNER

HEARING:

Hearing Re: FIRST STATUS REPORT

COUNSEL:

EMORI ELENE BROWN (PET)...JO ANN MCDOLE

IRMA L BONNER (DEC)...

PATRICK B WRIGHT (TP)...PRO/PER

GENERAL INFORMATION

Continued from 6/25/08 at request of counsel. Nothing new filed.

Continued from 8/13/08 at request of counsel to clear notes. Nothing new filed.

Continued from 11/1/08. No appearance. Clerk mailed notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 1st status report of administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need notice of hearing and proof of service per Pr.C.§12201. (Request for Special Notice has been filed by Probate Referee.)
2. Petitioner reports that the Maka Road property (appraised at \$525,000) was foreclosed on and was sold to the lender for the amount due on the loan (\$364,351.77). The difference between the appraised value and the foreclosed amount is \$160,648.23. Question whether the value of the real property was reduced due to the current market conditions? What efforts did petitioner make to sell the property? Is there any surplus from the foreclosure? It appears there was some cash in the estate - did petitioner determine that the use of such cash would not ultimately be a benefit to the estate? File verified supplement.
3. Petitioner alleges the estate is not in a condition to be closed as there are insufficient liquid assets to pay the costs of administration and to pay creditor claims filed. However, petitioner fails to indicate an estimate of time needed to close the administration of the estate. Need verified supplement.
4. Submit order after hearing.

RECOMMENDATION:

Need to clear notes.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS003109

CASE NAME: EDWARD F THOMPSON

HEARING:
Hearing re Final Discharge

COUNSEL:
MINNIE THOMPSON (PET)...DAVID & TURNER
EDWARD F THOMPSON (DEC)...
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The final distribution order was entered on 10/31/07.
2. Need receipts and petition for final discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS003211

CASE NAME: ESTATE OF BENJAMIN BASS

HEARING:
Accounting Review

	COUNSEL:
MARTIN A BASS	(PET)...DAVID W BROWN
BENJAMIN BASS	(DEC)...

GENERAL INFORMATION:

Continued from 7/9/08 at request of counsel. Nothing new filed.

Continued from 9/3/08 at request of counsel – property was in escrow. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 5/2/07, no bond.
2. Need accounting or probate status report.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.

abs/kra

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS003243

CASE NAME: ESTATE OF LUCILLE G CASS

HEARING:
Hearing Re: STATUS

COUNSEL:
MARY ANN BARNARD (PET)...JO ANN MCDOLE
LUCILLE G CASS (DEC)...
MARY ANN BARNARD (PET)...JO ANN MCDOLE
LUCILLE G CASS (DEC)...
ROBERT CASS (RES)...
MERLO CASS ()...

No notes – status.

FUTURE HEARING DATES:
8/05/09 Hearing re Final Discharge

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS02343

CASE NAME: ESTATE OF PHILLIP JOHN ORTGIES

VACATED- PROBATE STATUS REPORT FILED AND IS SET ON 12/03/08.

HEARING:
Accounting Review

COUNSEL:
PHYLLIS GENE ORTGIES (PET)...REISH LUFTMAN REICHER & COHEN
JOHN HENRY ORTGIES (PET)...REISH LUFTMAN REICHER & COHEN
PHILLIP JOHN ORTGIES (DEC)...
CHRISTINA FERRANTE (TP)...CHRISTINA FERRANTE

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

CONSERVATORSHIP

DATE: 11/05/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800065

CASE NAME: WINDSOR L. TURNER

HEARING:

Hearing Re: Accounting for Temporary Conservatorship

COUNSEL:

DAVID R TURNER

(CPE)...LAW OFFICES OF NANCY M. CRITEL

WINDSOR L TURNER

(CEP)...WALTER T MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Accounting review for temporary conservatorship.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary conservatorship of the person and estate was granted on 3/25/08, \$435,000 bond.
2. At the 8/27/08 hearing on general conservatorship, the court was notified that the temporary conservatee had passed away. The general conservatorship petition was taken off calendar and this review hearing was set.
3. Need accounting for period of temporary conservatorship.
4. Court to notice bonding company.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800228

CASE NAME: MTR OF REBECCA L LITTLE

SEE ALSO COMPANION FILE CONPS0800229 ON FOLLOWING PAGE.

HEARING:

Order to Show Cause re: PROOF OF BLOCKED ACCOUNT filed by ROBERT
LAURENCE LITTLE.

COUNSEL:

ROBERT LAURENCE LITTLE (CPE)...WALKER & MANN LLP
SHAUNEEN LITTLE (CPE)...WALKER & MANN LLP
REBECCA L LITTLE (CEP)...MITCHELL I ROTH
KAREN LITTLE (CPE)...JANET M HERRING

GENERAL INFORMATION:

Continued from 10/22/08

THIS CASE IS SET FOR HEARING ON OSC re proof of blocked account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners, Robert and Shauneen Little, were appointed temporary co-conservators of the person and estate on 9/18/08 with estate funds to be placed in blocked account(s). No proof of blocked account is filed.

RECOMMENDATION:

Need proof of blocked account.

(gls)

FUTURE HEARING DATES:

12/03/08 Petition for Appointment of Conservator

12/03/08 Petition for Appointment of Conservator

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800229

CASE NAME: MTR OF ALDEN B LITTLE

SEE ALSO COMPANION FILE CONPS0800228 ON PREVIOUS PAGE.

HEARING:

Order to Show Cause re: PROOF OF BLOCKED ACCOUNT filed by ROBERT
LAURENCE LITTLE.

COUNSEL:

ROBERT LAURENCE LITTLE (CPE)...WALKER & MANN LLP
SHAUNEEN LITTLE (CPE)...WALKER & MANN LLP
ALDEN B LITTLE (CEP)...MITCHELL I ROTH
KAREN LITTLE (CPE)...JANET M HERRING

GENERAL INFORMATION:

Continued from 10/22/08

THIS CASE IS SET FOR HEARING ON OSC re proof of blocked account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners, Robert and Shauneen Little, were appointed temporary co-conservators of the person and estate on 9/18/08 with estate funds to be placed in blocked account(s). **Notice of Opening Conservatorship Account is filed, however, there is no indication that the accounts are blocked.**

RECOMMENDATION:

Need proof of blocked account.
(gls)

FUTURE HEARING DATES:

12/03/08 Petition for Appointment of Conservator

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700304

CASE NAME: ROGER G.J. MCCOMB

SEE ALSO 30D

HEARING:
Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of KEITH MCCOMB

COUNSEL:
KEITH MCCOMB (CPE)...WIL R MULLINS
ROGER G.J. MCCOMB (CEP)...

GENERAL INFORMATION: **continued from 8/27/08 and 10/8/08 at request of counsel.**

THIS CASE IS SET FOR HEARING ON
Conservatorship compliance review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. After a temporary guardianship of person and estate, general conservatorship of person only was granted 2/13/08.
2. Care Plan filed 7/15/08 (confidential jacket of court file).
3. Final Inventory & Appraisal is filed for temporary conservatorship. However, need to file Notice of How to Object and proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.
4. Court Investigator 6 month report filed.

RECOMMENDATION
Need to clear note 3, then Court's discretion.

abs/cbr/gls

Superior Court of Calif, County of San Bernardino
Page: 30D
CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700304
CASE NAME: ROGER G.J. MCCOMB
SEE ALSO 30C

HEARING:

FIRST CURRENT Account and Report of KEITH MCCOMB and Petition for allowance of fees filed.

COUNSEL:

KEITH MCCOMB (CPE)...WIL R MULLINS
ROGER G.J. MCCOMB (CEP)...

GENERAL INFORMATION **continued from 8/27/08 and 10/8/08 at request of counsel.**

THIS CASE SET FOR HEARING ON First Account Current and Report.

1. After a temporary guardianship of person and estate, general conservatorship of person only was granted 2/13/08.
2. Accounting period 01/11/08 – 02/13/08 for temporary conservatorship.
3. Assets on hand are \$1,385.01, all cash.
4. The following disbursements were made and need further documentation.
 - a. A check was written in the amount of \$5,400 for a money order payable to "Apple Valley Christian Care Center." Need original billing statement.
Supp: Amount was an advance for initial placement. Copy of admission form confirming is attached. JTD.
 - b. A check was written in the amount of \$1,366.98 payable to "San Bernardino County Tax Collector" for property taxes. However, the original petition states that there is no real property owned by the Conservatee. Need to file verified supplement explaining what property this is referring to. **Supp: Check was payment for taxes on a house rented by conservatee (payment made in lieu of paying rent). Conservatee is now in a skilled nursing facility and therefore this will be the last such payment. JTD.**

RECOMMENDATION

Court's discretion. If approved, no additional accountings are needed.

Cbr/abs/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800253

CASE NAME: MTR OF ARETA I HARTMAN

HEARING:
Petition FOR AUTHORITY TO REMOVE PROPERTY OF NONRESIDENT

COUNSEL:
JUANITA I WOOD (PET)...ROBERT RIPLEY
ARETA I HARTMAN (CE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for authority to remove personal property of a non-resident (Pr.C. 3800).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship/guardianship of the 94 year old conservatee/ward was established in Ohio in 2006. Petitioner has submitted certified letters from Ohio.
2. Conservator/guardian now seeks to remove a specified list of investment accounts and contents of safe deposit boxes per Pr.C. 3800. That section allows a conservator of a nonresident conservatee to petition for removal of personal property owned by the nonresident conservatee to the place of residence. Pr.C. 3800(a).
3. This court appears to have jurisdiction because the principal part of the subject personal property is in this county. Pr.C. 3800(b).
4. Notice of hearing and proof of service has been filed. No opposition has been filed as of date of review.

RECOMMENDATION

RFA. If approved, no future dates need be set.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 10:30 DEPT: E1

CASE #: VC VS00353

CASE NAME: MTR OF ALAN A MATARAZZO

SEE ALSO 33

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of JAMES V ORTOLANI

COUNSEL:

JAMES V ORTOLANI	(CPE)...	LUNDBERG & BAXTER LLP
ALAN A MATARAZZO	(CEP)...	JEANNE KENNEDY
CYNTHIA S REUTER	(PET)...	LUNDBERG & BAXTER LLP
BRIAN BIXBY	(OBJ)...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Conservatorship compliance review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. After trial, 4/3/08 minute order states that conservatorship of the person only was granted, \$20,000 bond (sic).
2. Bond and letters are not in the file. Need same. As there are no letters, none of the other requirements for the conservatorship compliance review have yet been triggered.
3. Care Plan is filed.

RECOMMENDATION

Need bond and letters, then reset conservatorship compliance review accordingly. Court may wish to set OSC re bond/letters.

FUTURE HEARING DATES:

8/12/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 10:30 DEPT: E1

CASE #: VC VS00353

CASE NAME: MTR OF ALAN A MATARAZZO

SEE ALSO 32

HEARING:
Hearing Re: CI REVIEW

COUNSEL:	
JAMES V ORTOLANI	(CPE)...LUNDBERG & BAXTER LLP
ALAN A MATARAZZO	(CEP)...JEANNE KENNEDY
CYNTHIA S REUTER	(PET)...LUNDBERG & BAXTER LLP
BRIAN BIXBY	(OBJ)...

See prior page. (No new CI report has been submitted since trial/appointment.)

FUTURE HEARING DATES:
8/12/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 10:30 DEPT: E1

CASE #: VC VS00433

CASE NAME: MTR OF CORINNE SARKO

HEARING:

Accounting Review

COUNSEL:

MELODIE Z SCOTT
CORINNE SARKO

(PET)...SHERRI L KASTILAHN
(PCE)...

GENERAL INFORMATION

Continued from 7/23/08 at request of counsel to file waiver of accounting. Nothing new filed.

Continued from 9/17/08 at request of counsel to file waiver of accounting. Nothing new filed.

THIS CASE IS SET FOR HEARING ON

Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 12/19/07 the court ruled on conservator's third accounting which had been taken under submission. The accounting was approved subject to certain supplements that were required. On 1/2/08, conservatee filed a brief supplement. However, that supplement did not address a main issue required by the court's 12/19/07 ruling – a written clarification of the time share issue (see 12/19/07 Minute Order and 12/13/07 Probate Notes, both tabbed in yellow in court file). The court also required the billing statements from Braswell's but the supplement stated that the bill was paid directly by Medi-Cal and no bills were received.
2. Need next accounting.

RECOMMENDATION

Need to clear notes.

Abs/abs/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/05/08 TIME: 10:30 DEPT: E1

CASE #: VC VS00451

CASE NAME: MATTER OF JOLEE BONILLA

HEARING:
Accounting Review

	COUNSEL:
ARNOLD FROST	(CPE)...VALERIE ROSS
SANDRA FROST	(CPE)...VALERIE ROSS
HENRIETTA PURTLE	(CPE)...VALERIE ROSS
JOLEE BONILLA	(CEP)...
CYNTHIA REUTER	(CPE)...PRO/PER
BERNARD M BIDART	(TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The first conservatorship accounting was approved on 10/31/07.
2. Need next accounting.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN **PROBATE**

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: BPRBS01014

CASE NAME: RUTH M HOLLISTER

SEE ALSO 2

HEARING:

Petition for TO CONFIRM OWNERSHIP OF ESTATE IN IMPROVED REAL
PROPERTY

COUNSEL:

CHRISTINE STEVENS	(PET)...	LOUIS A STEARNS, SR
RUTH M HOLLISTER	(DEC)...	
CHRISTINE M STEVENS	(PET)...	LAW OFFICES OF LOUIS A STEARNS
RUTH M HOLLISTER	(DEC)...	

GENERAL INFORMATION

Continued from 8/20/08 at request of counsel.

Continued from 10/1/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON

Petition to confirm estate ownership of real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner was appointed executor on 1/10/07.
2. Petitioner now alleges that decedent and her husband owned a 50% share of the subject real property and decedent's daughter (Joan Rohrer) and her then-husband (Jerry Rohrer) owned the other half of the property, that Jerry later made an interspousal deed to Joan which gave Joan a 50% share and severed the joint tenancy making the owners tenants in common, that decedent's husband later died but the community property passed to decedent leaving her with a 50% interest and the daughter with a 50% interest, and now that

decedent has died the estate had a 50% interest in the property. Petitioner adds that both Joan and Jerry are each claiming a 50% interest in the property, necessitating a determination of the estate's ownership.

3. Petitioner requests a determination that the estate owns 50%, that daughter Joan owns 50%, and that ex-step son Jerry has no interest in the property.
4. The nature of the disputed claim to the property is not set forth. Suggest court require additional information to ensure that there is a dispute at issue. JTD
5. Need proof of personal service upon respondents Joan and Jerry per Pr.C. 851. (In accompanying probate status report, petitioner requests a 45 day continuance to provide time for personal service.) **Notice of Acknowledgment of Receipt for respondent Jerry Rohrer and for respondent Joan Rohrer**
6. No opposition filed as of date of review.

RECOMMENDATION

Need court's determination of note 4.

Abs/abs/cbr/abs/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: BPRBS01014

CASE NAME: RUTH M HOLLISTER

SEE ALSO 1

HEARING:
Probate status report filed.

COUNSEL:
CHRISTINE STEVENS (PET)...LOUIS A STEARNS, SR
RUTH M HOLLISTER (DEC)...
CHRISTINE M STEVENS (PET)...LAW OFFICES OF LOUIS A STEARNS
RUTH M HOLLISTER (DEC)...

GENERAL INFORMATION
Continued from 10/1/08.

THIS CASE IS SET FOR HEARING ON
Probate status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued on 1/16/07.
2. Representative states that the estate is not ready to close under the Pr.C. 850 petition (set to be heard this same date) is resolved.

RECOMMENDATION
Set new accounting review in six months.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: MPRMS01302

CASE NAME: ESTATE OF REYNALDO C. GARCIA

HEARING:
Hearing Re: Receipts and Final Discharge

COUNSEL:
IRMA BARTON (PET)...DANIEL C. SEVER
CECILIA G RODRIGUEZ (PET)...DANIEL C. SEVER
REYNALDO C GARCIA (DEC)...

GENERAL INFORMATION

**Continued from 08/06/08 at request of counsel to file written statement.
Continued from 9/10/08. Counsel reported that the co-administrators are not in agreement re distribution and there is difficulty getting them to file receipts. Court ordered both co-administrators to appear at next hearing unless receipts and a petition for discharge are filed. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON
Hearing re receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for final distribution granted 6/4/07 via a Ruling on Submitted Matter.
2. Need receipts and petition for final discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.

Abs/cbr/abs

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600190

CASE NAME: ESTATE OF BENANCIA GRIEGO

HEARING:
Hearing re Final Discharge

	COUNSEL:
LEO ROY GRIEGO	(PET)...PRO/PER
BENANCIA GRIEGO	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge filed.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. There is no bonding company to notice.
NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600318

CASE NAME: FREDERICK J PAISSON III

HEARING:
Probate status report filed.

COUNSEL:
ROBERT HW HAINES (PET)...DAVID A ESQUIBIAS
FREDERICK J PAISSON III (DEC)...
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for final distribution upon waiver of accounting and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued on 3/7/07.
2. Both heirs waive accounting.
3. Did decedent have a predeceased spouse who received Medi-Cal benefits?
Need verified supplement. **Petitioner has filed a supplement indicating that the decedent was not married for 15 years prior to his death. This does not answer the call of the question. Pr.C. § 9202 sets forth no time limitation. File a verified supplement.**
4. Petitioner requests \$1,000 reserve for closing expenses. Appears ok.
5. Petitioner waives compensation.
6. Atty requests \$13,000 statutory fees. Calculated. Appears ok.

RECOMMENDATION

Need to clear note 3. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 11-18-09.
(ABS/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700364

CASE NAME: MTR OF EUGENE ALLEN MCPHERSON

HEARING:
Accounting Review

COUNSEL:
LEANN CSONKA (PET)...DAVID W BROWN
EUGENE ALLEN MCPHERSON (DEC)...

GENERAL INFORMATION

Continued from 10-1-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 7/25/07, no bond.
2. Need accounting or probate status report.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.
(ABS/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700370

CASE NAME: MTR OF BERNARD W KIRBY

VACATED- PROBATE STATUS REPORT FILED AND IS SET ON 11/20/08.

HEARING:
Hearing Re: STATUS REPORT

COUNSEL:
MARK STEVENSON (PET)...ROBERT A KRASNEY
1ST BANK AND TRUST (PET)...ROBERT A KRASNEY
BERNARD W KIRBY (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700666

CASE NAME: MARXINE OLSEN

HEARING:

FIRST Account and Report of LYNETTE MAXEY and Petition for fees

COUNSEL:

LYNETTE MAXEY (PET)...PRO/PER
MARXINE OLSEN (DEC)...

GENERAL INFORMATION Accounting 6-3-05 through 7-31-08.

THIS CASE IS SET FOR HEARING ON first account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. There is no summary of account. Please file a summary of account as defined in Pr.C. § 1061(b).
2. Please explain the following expenditures
 - a. Hermosa \$2,825.05
 - b. Robert Ayala \$2,470
 - c. Gem. App. Unld. \$300
 - d. Ding Motors \$1,000
 - e. Lynette Maxey-reimbursement \$204.19
 - f. Tere Brosmen-Jewelry \$375.
 - g. D. Taylor App. \$300
 - h. Costco \$124.12
 - i. Spe. App. (appraisal \$495
 - j. Lynette Maxey-probate reimbursement \$2,000
 - k. SBC \$31.29
 - l. Frank Ayala \$234
 - m. Duana Kendall \$75
 - n. Lynette Maxey- reimbursement \$3,000
 - o. E-Trade \$5,000
 - p. Lynette Maxey \$33,090.59.

3. Petitioner has made distributions of \$73,808.90 each to Kenneth Olsen and Linda Scholfer without first seeking leave of court. File verified supplement explaining.
4. Petitioner does not indicate why estate is not in a condition to close or what remains to be done and the approximate time needed to complete.
5. Petitioner waives administrator fees.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for the next status report and/or account for 11-18-09. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700901

CASE NAME: JUANITA COLLIER

SEE ALSO 10

HEARING:

Hearing Re: CONTESTED HEARING RE: PETITION FOR APPT OF GAL

COUNSEL:

DONNA M TATE	(PET)...	ELDER LAW CENTER, P.C.
JUANITA COLLIER	(DEC)...	
LAWRENCE A DEAN II	(PET)...	SHERRI L KASTILAHN
JAMES R COLLIER	(PET)...	LAYNE A BARTHOLOMEW
RICHARD RAYMOND COLLIER	(TP)...	LAYNE A BARTHOLOMEW
GERALD E COLLIER	(LAYNE A BARTHOLOMEW)...LAYNE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON contested hearing on petition to appoint Guardian ad litem.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The parties entered into a stipulated agreement that Walter Moore could be appointed Guardian ad litem on 9-24-08. Mr. Moore is to address the issue of John Polic's claim against the Collier Estate and how claim is to be pursued. Also to confer with Mr. Ask re possible conflict in representing Danna Tate as attorney in fact for John Polic.
2. Nothing new filed.

RECOMMENDATION:

Court's discretion.

NMT

FUTURE HEARING DATES:

12/01/08 Hearing re: Inventory and appraisal

7/06/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700901

CASE NAME: JUANITA COLLIER

SEE ALSO 9

HEARING:

Motion Re: NOTICE OF MOTION AND MOTION TO BE RELIEVED PET Filed
by Petitioner DONNA M TATE

COUNSEL:

DONNA M TATE	(PET)...	ELDER LAW CENTER, P.C.
JUANITA COLLIER	(DEC)...	
LAWRENCE A DEAN II	(PET)...	SHERRI L KASTILAHN
JAMES R COLLIER	(PET)...	LAYNE A BARTHOLOMEW
RICHARD RAYMOND COLLIER	(TP)...	LAYNE A BARTHOLOMEW
GERALD E COLLIER	(LAYNE A BARTHOLOMEW)...LAYNE

GENERAL INFORMATION

Continued from 09/04/08. Matter is set for contested hearing on appointment of guardian ad litem. This matter set same date.

Continued from 9-24-08 on court's own motion. Nothing new filed.

THIS CASE SET FOR HEARING ON Notice of Motion and Motion to be Relieved

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Ronald Ask, requests to be relieved as counsel for Donna Tate and for Donna Tate as attorney in fact for John Polic.
2. Petitioner alleges a breakdown in the attorney-client relationship and Mr. and Mrs. Tate advised petitioner that they no longer want petitioner's services. Petitioner states he can no longer adequately represent Mr. Polic's interests without the cooperation of Mr. and Mrs. Tate.

RECOMMENDATION

Court's discretion
(cbr/NMT)

FUTURE HEARING DATES:

12/01/08 Hearing re: Inventory and appraisal
7/06/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800220

CASE NAME: THE DELLA AGNES GRAEFE 2002 TRUST

SEE ALSO 12

HEARING:

Petition for TO INSTRUCT TRUSTEE TO DISTRIBUTE & COMPEL ACCOUNTING

COUNSEL:

EVAN ELIZABETH LEMLEY (PET)...KIBRE & HORWITZ LLP
FINIS E. WIGGINS (RES)...FULLERTON LEMANN SCHAEFFER &

GENERAL INFORMATION:

Continued from **4/22/08** at request of counsel as supplement submitted. Attorney to file objections and will do an accounting in 60 days or by 6/16/08.

Continued from **7/21/08** for review of supplement filed 4/22/08 specifically and for matter taken under submission re suspension of trustee powers.

Continued from 9-3-08. Demurrer was overruled. Appears that this matter is really on for court trial of the accounting.

THIS CASE IS SET FOR HEARING ON petition to instruct the trustee to distribute assets and to compel accounting (by Evan Elizabeth Lemley)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is a beneficiary of the trust.
2. Petitioner alleges that the court has jurisdiction pursuant to Pr.C. § 850. (page 2, line 3) However, in the caption, the petitioner does not mention that this is an action pursuant to Pr.C. § 850, but rather 17200. The powers of the court and method of proceeding are different in an 850 petition than they are in a 17200 petition. File verified supplement clarifying basis of petition. **Supp (filed 4/22/08): petitioner does not intend to proceed under Pr.C. § 850 at this time and that this petition is brought under Pr.C. § 17200.**
3. Della Graefe created the trust in question on 1-24-02 and amended it on 7-26-06 and 3-23-07. Settlor died on 5-28-07. The trustee of the trust is Finis Wiggins. A copy of the original trust and the 3-23-07 amendment are attached to the petition as

Exhibits A and B. At exhibit B At sections 3.01 and 3.02 the residence of the settlor is to be distributed to Marcus Lemley and residue of the estate to a trust for the benefit of the petitioner. The original trust at 4.03 indicates that the assets are to be paid out to the petitioner over a period of 20 years, or if the assets are liquid as they become liquid paid immediately, whichever is sooner. Petitioner alleges that all of the assets, exclusive of the residence going to Marcus, are liquid.

4. Petitioner requests pursuant to Pr.C. § 17200(b)(6) that the court instruct the trustee to distribute the liquid assets to her forthwith.
5. Petitioner requests an accounting. Respondent has been the trustee from the inception of the trust. The court has the power to compel the trustee to report information about the trust or to account if the trustee fails to submit the report within 60 days after written demand and no report or account has been made within six months preceding the request. (Pr.C. § 17200(b)(7)). Petitioner alleges that she made written demand for an accounting on 12-10-07. Petitioner alleges that no accounting has been provided. The only thing the petitioner does not state is if any accounting was received within the last 6 months. Please file verified supplement. **Supp (filed 4/22/08): no accounting has ever been received.**
6. We have proof of service on the trustee. Need proof of mailed service on the other beneficiary (Loma Linda University).
7. **Objection filed in the form of a response indicating that the accounting was not yet due at the time of the demand for account and that the date to account is 7/28/08, that the liquid assets are to be distributed immediately, and that Loma Linda University is entitled to notice.**
8. **Objection to Trustee's Request for Extension to File Accounting and Request for Temporary Suspension of Trustee's Powers filed by petitioner, Evan Elizabeth Lemley.**

RECOMMENDATION:

Need to correct note 6. Court may wish to set matter for contested hearing.
(NMT/vet/kra)

FUTURE HEARING DATES:

12/04/08 Court Trial set for PETITION FOR PROBATE of EVAN ELIZABETH LEMLEY
12/05/08 Court Trial set for Accounting Review of FINIS E. WIGGINS

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800220

CASE NAME: THE DELLA AGNES GRAEFE 2002 TRUST

SEE ALSO 11

HEARING:

FIRST Account and Report of FINIS E. WIGGINS and Petition for fees

COUNSEL:

EVAN ELIZABETH LEMLEY (PET)...KIBRE & HORWITZ LLP
FINIS E. WIGGINS (RES)...FULLERTON LEMANN SCHAEFFER &

GENERAL INFORMATION Accounting covers 5-28-07 through 6-30-08.

THIS CASE IS SET FOR HEARING ON first account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner filed an initial account and objections were received by the court. The petitioner has now filed an amended first account. The court has not received objections to the amended accounting.
2. There are reimbursements to the trustee in the amount of \$12,191.40 on exhibit 3. However there are disbursements to trustee as reimbursements in the amount of \$19,691.86. .
3. There were losses on sale of securities in the amount of \$64,663.17.
4. Petitioner has paid his counsel a retainer \$100,000 retainer. There are additional attorney charges in the amount of \$945.41. It should also be noted that in trustee's reimbursements part of the amount reimbursed is an additional \$207.50 to counsel.
5. There are no objections in the file at the time of this review.
6. File order after hearing.

RECOMMENDATION: Court will have to determine if there are going to objections filed as to the amended accounting.

NMT

FUTURE HEARING DATES:

12/04/08 Court Trial set for PETITION FOR PROBATE of EVAN ELIZABETH LEMLEY

12/05/08 Court Trial set for Accounting Review of FINIS E. WIGGINS

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800450

CASE NAME: PETER MARCIANTI

SEE ALSO 14

HEARING:

Petition for Removal of Administrator & Revocation of Letters of Administration

COUNSEL:

JOSEPH BONO	(PET)...ROGER VON KAESBORG
PETER MARCIANTI	(DEC)...
MARIE MARCIANTI	(PET)...ROBERT A KRASNEY

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for removal of administrator.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the surviving spouse of the decedent and contends that she is the sole heir of the estate. The latter would not appear to be a correct statement. Per the will The Marcianti Trust would be the heir of the estate.
2. Petitioner contends that she is higher priority. She alleges that administrator approached her when she was particularly vulnerable to get her consent to his request to be the administrator. She alleges that she believes that the reason he is really doing this is to get his hands on litigation assets in the wrongful death action and convert them to his own use. Based thereon petitioner revokes her consent to his acting as administrator and asks for his removal.
3. It appears that the petitioner is alleging a potential violation of Pr.C. §§ 8502(a) and (d), likelihood that a fraud will be committed and for the protection of the estate.
4. There is no opposition in the file at the time of this review.

RECOMMENDATION:

In the event that the court feels that there are potential grounds for removal the court should issue a citation on an O.S.C. re why administrator should not be removed. Pr.C. § 8500 (b).

NMT

FUTURE HEARING DATES: 1/15/09 Hearing re: Inventory and appraisal
8/20/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800450

CASE NAME: PETER MARCIANTI

SEE ALSO 13

HEARING:
Petition for SUBSTITUTION OF ADMINISTRATOR & ISSUANCE OF AMENDED
LETTERS OF ADMIN.

	COUNSEL:
JOSEPH BONO	(PET)...ROGER VON KAESBORG
PETER MARCIANTI	(DEC)...
MARIE MARCIANTI	(PET)...ROBERT A KRASNEY

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for substitution of administrator and
issuance of amended letters.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has filed a pleading requesting that she be substituted as the
administrator after the removal of the current administrator. Petitioner has not filed
a Judicial Council form petition, as is required. Use of current Judicial Council
Forms is mandatory. Calif. Rule of Court, rule 7.101.
2. A successor administrator must file all the same documents as the original
petitioner and give all the same notices, save publication. Petitioner has not
complied with this requirement.

RECOMMENDATION:
Require petitioner to file the proper Judicial Council form petition.
NMT

FUTURE HEARING DATES:
1/15/09 Hearing re: Inventory and appraisal
8/20/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800652

CASE NAME: RICHARD A. MANSKER

HEARING:

Hearing re: Petition for Letters of Testamentary With Full Authority Under IAEA

COUNSEL:

RICHARD E. MANSKER (PET)...DAVID BOUCHER
RICHARD A. MANSKER (DEC)...

GENERAL INFORMATION

Continued from **8/27/08**. Counsel called to state that he submitted on the pleadings because the notes had been cleared. The court indicated that a new proof of service and new publication was needed because an amended petition had been filed (after the probate notes had been completed and therefore not reflected in the notes). Nothing new filed.

Continued from 10/1/08 for proof of publication. Nothing new filed.

THIS CASE IS SET FOR HEARING ON

Amended petition for letters testamentary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Will waives bond.

RECOMMENDATION

Need to clear note 1 and then court's discretion. If approved, set hearing on the filing of an inventory and appraisal for 6/17/09. Set hearing on accounting review for 1/13/10. Accounting to be filed 30 days in advance.

(abs/kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800742

CASE NAME: MTR OF MARIE A.R. ABELES REVOCABLE LIVING TURST

HEARING:

Petition for TO REMOVE STEPHEN R WADE AS SUCCESSOR TRUSTEE
FOR BREACH OF TRUST

COUNSEL:

JOHN ABELES	(PET)...AMANDA J PORTIER
JOSEPH ABELES	(PET)...AMANDA J PORTIER
PHILIP ABELES	(PET)...AMANDA J PORTIER
DEANNA PURDUE	(PET)...AMANDA J PORTIER

GENERAL INFORMATION

Continued from 09-22-08 for Stephen Wade to hire counsel and file objections by 10-10-08.

THIS CASE IS SET FOR HEARING ON Petition to remove successor trustee for breach of trust, compel accounting, and appoint a successor trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Successor Trustee was personally served on 08/26/08. However, notice is not timely. Need 30 day notice per Pr. C. § 17203
2. Petitioners are 4 of 5 beneficiaries of the Marie Abeles Trust dated 10/16/96 which became irrevocable upon the settlor's death.
3. We come into the administration of the Abeles Trust after a settlement agreement had been reached between parties in an action of specific performance brought before the Riverside County Court (RCV084655) for the sale of the Trust's real property located in Ontario, CA. Prior to the settlement agreement, beneficiaries John, Joseph, Philip and Hal Abeles retained respondent, Stephen Wade (hereinafter Wade) to represent said beneficiaries in the Riverside action for an agreed payment of 15% of the market value of the Ontario property. Beneficiary, Deanna Purdue, did not join this retainer agreement as she was represented by another attorney. Pursuant to the settlement agreement in the underlying litigation re specific performance, Wade

- was named the successor trustee and the Ontario property was sold for \$645,000 on 11/13/07.
4. Petitioners allege Wade has made preliminary distributions of \$50,000 to each of the 5 beneficiaries and has paid himself \$96,750 pursuant to the fee agreement with the Abeles beneficiaries. However, petitioners contend that a portion of the fees (\$19,350) that Wade paid himself belonged to Deanna Purdue as she was not a party to the Wade fee agreement. As the fee agreement states that if the [Riverside] case results in a settlement with petitioners retaining title to the property, Wade would be paid the sum equal to 15% of the fair market value of the property at that time. As the property soon after sold for a fair market value of \$645,000, 15% would be \$96,750. According to the agreement this amount appears correct, but that amount should be applied equally between the beneficiaries John, Joseph, Philip and Hal Abeles shares. As the final distribution has not been made it is unclear if the retainer fee has been appropriately applied.
 5. Petitioners allege that the Wade has not filed the trust's tax returns for 2007 and incurred penalties and interest. As such petitioners allege Wade has violated his duties as trustee and should pay any tax penalties associated with the late filing of the 2007 tax return. The trustee of a trust has a duty to take reasonable steps to preserve the trust property and the trustee may be compelled to redress a breach of trust by payment of money or otherwise per Pr.C. §§16006 & 16420(3).
 6. Beginning 1/22/08 petitioners, through their attorney, have, in writing requested on several occasions that Wade provide an accounting and make a final distribution. The last request was made on 7/3/08 to which petitioner has not received a response. Petitioners therefore, request the Court to compel Wade to account for all of the trust property, remove Stephen Wade as trustee, and appoint Attorney Amanda Potier as successor trustee. The court has the power to compel the trustee to report information about the trust or to account if the trustee fails to submit the report within 60 days after written demand and no report or account has been made within six months preceding the request. (Pr.C. § 17200(b)(7)). Here the facts establish that demand has been made in writing and that no response has been received within 60 days of the request and that no accounting or report has been received within 6 months. Hence the court has the power to order an accounting.
 7. The petitioner further requests that the trustee be removed. The court has the power to remove or appoint a trustee pursuant to Pr.C. § 17200(b)(10). The grounds for removal may be found at Pr.C. § 15642. Here it appears that the petitioner seeks removal pursuant to Pr.C. §§ 15642(b)(1) breach of duty and (b)(4) failure to act.
 8. No opposition has been filed at the time of review of this file.

RECOMMENDATION:

Need proper notice.

(kra/cbr/vet)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800858

CASE NAME: JUNE KIEF

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

MITCHELL KIEF (PET)...JULIA M WOOD
JUNE KIEF (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner requests bond of \$20,000. Estimated estate value is \$594,000 consisting of \$56,000 in personal property and the balance in real property. Petitioner is the sole heir and resides in the State of Washington. Court has discretion to require bond per Pr.C. §8571. JTD

RECOMMENDATION:

RFA subject to court's determination of bond/bond waiver. If approved, set future hearings for filing of Inventory & Appraisal on **6/17/09** and for Accounting Review on **1/13/09**. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800872

CASE NAME: RUSSEL LEE PROSSER

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

VICKIE PROSSER (PET)...LISA C. MCARTHUR
RUSSEL LEE PROSSER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA, by surviving spouse

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner requests bond of \$206,112. Appears adequate.

RECOMMENDATION:

RFA, no bond. If approved, set future hearings for filing of Inventory & Appraisal on **6/17/09** and for Accounting Review on **1/13/09**. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02828

CASE NAME: MADELYON ZENITH GREEN

SEE ALSO 19 & 20

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARK S. MCDONALD (PET)...PRO/PER
MADELYON ZENITH GREEN (DEC)...

GENERAL INFORMATION Continued from **6-5-07**. Nothing new filed.

Continued from **7-10-07**. Nothing new filed.

Continued from **8-14-07**. Matter out for service of citation. We are awaiting return of service. Nothing new filed.

Continued from **10-2-07**. Bank statements have been filed, but they do not support the inventory and appraisal. The bank statements are from 7 and 8-06. Decedent died on **7-23-05**. Need correct bank statements. Also court ordered petitioner to pay \$90 to court for cost of service of citation no later than 10-31-07. As of 10-31 no payment has been received by the court. Court ordered petitioner to comply with court orders or he would be sanctioned. Nothing new filed.

Continued from **3-4-08**. On 3-4 Mr. McDonald appeared and was ordered to file bank statements that corresponded to date of death values for the decedent. Nothing new filed.

Continued from **4-8-08**. No appearance. Clerk has given notice. Nothing new filed.

Continued from **5-20-08**. Nothing new filed.

Continued from **6-24-08**. Nothing new filed.

Continued from **8-5-08**. Nothing new filed.

Continued from 9/9/08. Mark S McDonald's POWERS SUSPENDED and matter referred to the Public Administrator that same date for possible appointment. Written report received from CRAIG PARKER. Counsel reports that there are virtually zero assets left in estate and that there are no creditors either. On 8/18/08 Mark McDonald filed a notice of change of address. The court issues another citation for Mr McDonald to be served at this new address.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Inventory and appraisal has been filed.
2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.
Only bank statements filed are not date of death values.

RECOMMENDATION:

Require petitioner to file copy of bank statement to support inventory and appraisal. See next page. There is no bonding company to notice.
(NMT/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02828

CASE NAME: MADELYON ZENITH GREEN

SEE ALSO 18 & 20

HEARING:

OSC re: REMOVAL AS EXECUTOR

COUNSEL:

MARK S. MCDONALD (PET)...PRO/PER
MADELYON ZENITH GREEN (DEC)...

GENERAL INFORMATION:

Continued from **6-24-08** for failure to serve citation. Clerk has given notice by mail.
Continued from **8-5-08**. Court orders Public Administrator noticed of possible appointment.
Clerk has given notice. Nothing new filed.

Continued from 9/9/08 by Court. A new citation issued for Mark McDonald at new address

THIS CASE IS SET FOR HEARING ON O.S.C. re removal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter was set when the case was on for filing of inventory and appraisal and for accounting review. Notes were not corrected and petitioner failed to appear. Court issued a citation and ordered it served.
2. **Citation was personally served on 10/7/08.**

RECOMMENDATION:

Court's discretion.
(NMT/kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02828

CASE NAME: MADELYON ZENITH GREEN

SEE ALSO 18 & 19

HEARING:
Accounting Review

COUNSEL:

MARK S. MCDONALD (PET)...PRO/PER
MADELYON ZENITH GREEN (DEC)...

GENERAL INFORMATION Continued from **3-4-08**. At the time of the hearing Mr. McDonald informed the court that the \$250,000 annuity check was paid and distributed to the heirs in error. Court ordered Mr. McDonald to provide a copy of the check and a statement from AIG Annuity Co. Mr. McDonald is ordered to appear at the time of the 4-8-08 hearing. Nothing new filed.

Continued from **4-8-08**. No appearance. Clerk has given notice. Nothing new filed.

Continued from **5-20-08**. See preceding page. Nothing new filed.

Continued from **6-24-08**. Nothing new filed.

Continued from **8-5-08**. Public Administrator noticed of possible appointment. Nothing new filed.

Continued from 9/9/08 by Court. A new citation issued for Mark McDonald at new address.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.
2. **Need return of citation as ordered issued 9/9/08.**

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.
(NMT/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS06260

CASE NAME: ESTATE OF EDWARD S GARCIA

HEARING:

FIRST AND FINAL Account and Report of EDWARD J GARCIA and
Petition for allowance of fees filed.

COUNSEL:

EDWARD J GARCIA	(PET)...	WALTER T. MOORE
EDWARD S GARCIA	(DEC)...	
GRACIELA GARCIA	(PET)...	MARK I BLANKENSHIP
GEANENE YRIARTE	(TP)...	PRO/PER
GLORIA MILLER	(PRO/PER)...PRO/PER
LAWRENCE DEAN II	(KARIN HORSPPOOL)...KARIN HOR

GENERAL INFORMATION:

Continued from **4/17/07** and **7/18/07** at request of counsel for the petitioner.

Continued from **8/22/07** for objections to be filed. Nothing new filed.

Continued from **10/3/07** and **11/14/07** at request of counsel. Nothing new filed.

Continued from **2/27/08** at request of counsel – working on resolution.

Continued from **4/16/08** at request of counsel to clear notes. Nothing new filed.

Continued from **6/11/08** at request of Karin Horspool.

Continued from 9/3/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON First and Final Account and Report of Special
Administrator Edward Garcia and for Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests that the court reserve jurisdiction over statutory and extraordinary compensation.
2. On disbursements on 2/7/05, petitioner was reimbursed for costs advanced in the amount of \$2,585.84. Need itemization of costs reimbursed. File verified supplement. **Supp: Itemized list sets forth postage, faxes, gasoline and other entries without showing the nature or purpose of the item only the name of the payee. Need further clarification. In**

addition, postage and fares are not allowable reimbursements per local rule 20-909.

3. On disbursements, there are the following entries without showing the nature/purpose of the item as follows: File verified supplement:
 - (a) On 12/23/04 - ATM withdrawal of \$200.00
 - (b) On 3/28/05 – Ultramar - \$75.00
4. On disbursements on 3/22/05 there are funeral expenses reimbursement to Bob Garcia for \$9,000. Need itemization and/or copies of receipts.
5. On disbursements on 4/7/05 there is a payment to Gi Gi Garcia for a car rental for \$80.98. Question why a car rental was needed? File verified supplement.
6. **Objections filed by Lawrence Dean, Special Administrator.**
7. **Reply to objections filed.**

RECOMMENDATION:

Need to clear notes and then set for contested hearing.

(/gls/abs/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS003032

CASE NAME: ESTATE OF THELMA CAMINO

HEARING:
Hearing re Final Discharge

COUNSEL:
DOROTHY MAZZEI (PET)...JAMES ALDERSON
THELMA CAMINO (DEC)...
RUTH LOPEZ (TP)...JACOBS & GREGORY
DEPARTMENT OF HEALTH SERVICE (PRO/PER)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. All receipts filed.
2. Need Ex-parte petition/order for final discharge.

RECOMMENDATION:
Inquire status.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 9:00 DEPT: E2

CASE #: VPRVS003108

CASE NAME: ESTATE OF JULIE S AUBUCHON

HEARING:
Hearing Re: Receipts and Final Discharge

COUNSEL:
MICHAEL AUBUCHON (PET)...DAVID & TURNER
JULIE S AUBUCHON (DEC)...

GENERAL INFORMATION

Continued from 07/16/08 at request of counsel. The order signed on 07/11/08 was captioned incorrectly as "order for discharge" when in fact; it should have been captioned 'order for final distribution'. Hence, we still do not have a properly completed order after hearing on first and final report and request for distribution.

Continued from 9/24/08 at request of counsel. Nothing new filed.

THIS CASE SET FOR HEARING ON Receipts and Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Ex Parte Petition for Final Discharge and Order returned on 09/04/08.
2. Beneficiaries were not listed correctly in "Order for Discharge". Order also vacated for improper caption. Currently awaiting new order to be submitted.
3. Receipts filed. However, receipts cannot be verified without proper order submitted and approved.

RECOMMENDATION

Need to clear notes.

(cbr/kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

CONSERVATORSHIP

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: BC BS00024

CASE NAME: IN THE CONSERVATORSHIP OF ROBERT MORGAN

HEARING:

Motion Re: TO BE RELIEVED AS COUNSEL Filed by Petitioner ROBERT MORGAN

COUNSEL:

ROBERT MORGAN (CEP)...JOHN F WEBER
CLIFFORD J MORGAN (PET)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON motion to be relieve as counsel

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the attorney for the conservatee, Robert Morgan. Petitioner alleges that petitioner has no experience or education in dealing with a person having severe disorders as conservatee. Petitioner believes it is in the conservatee's best interest if the conservatee is represented by an attorney with more specific experience and education to understand and assist in conservatee's needs. Petitioner therefore requests to be relieved as attorney of record.
2. There is no opposition in the file.

RECOMMENDATION:

Recommended for approval absent objection

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: BC BS00032

CASE NAME: IN THE CONSERVATORSHIP OF MARK STOTT

VACATED- ACCOUNTING FILED AND IS SET ON 12/17/08.

HEARING:
Accounting Review

	COUNSEL:
MARK DAVIDS STOTT	(CEP)...
LINDA LINGREN	(PLA)...PRO/PER
LAWRENCE ALF	(PET)...PRO/PER

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700060

CASE NAME: JOE A ZAMORA

HEARING:

FIRST Account and Report of FRANCES GERALDO and Petition for fees

COUNSEL:

CARLOS E ZAMORA	(CPE)...PRO/PER
JOE A ZAMORA	(CEP)...JEANNE KENNEDY
FRANCES GERALDO	(OBJ)...JAMES H PASTO

GENERAL INFORMATION

Continued from 1/3/08 and 2/20/08 at request of counsel. Nothing new filed.

Continued from 4/16/08 at request of counsel.

Continued from 5/28/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON conservatorship compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Frances Geraldo was appointed conservator on 8/30/07, \$10,000 bond posted and filed 11/1/07, and Letters issued 12/18/07.
2. Letters of Conservatorship were recorded 1/10/08.
3. Care Plan filed.
4. Final I&A filed.
5. A Court Investigator's report will not be conducted until 6 months after the initial appointment of the conservator re appropriateness of the conservatorship per Pr.C.§1850.

RECOMMENDATION:

Court's discretion.

(/gls/abs)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700236

CASE NAME: LOIS A DULAC
HEARING:
Conservatorship Compliance Review

COUNSEL:	
RALPH DULAC	(CPE)...SANDY L. TURNER
ARLINE GERARD	(CPE)...SANDY L. TURNER
LOIS A DULAC	(CEP)...JANET M HERRING
LINDA M JENNINGS	(OBJ)...

GENERAL INFORMATION

Continued from 6/4/08 at request of counsel. Counsel advised that there are allegations that objector Linda Jennings took \$147,000 under false power of attorney.

Continued from 7/9/08. Care Plan filed. I&A was stated as with Probate Referee.

Continued from 9/24/08 After review of the filed documents and report from Sandy Turner, the court notes the following: the inventory and appraisal has been filed but the inventory and appraisal is not for assets of the conservatorship estate but is of the Dulac Family Trust and is filed only for disclosure and is not the separate asset of the conservatee. Bond and accounting have been waived because all of the assets are controlled by the trust. Court notes that the current medical evaluation states that Ms. Dulac does not have Alzheimer disease. matter is continued for filing of recordation of letters & care plan and the annual review will be set at the next everything is filed.

THIS CASE IS SET FOR HEARING ON Conservatorship compliance review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate granted 2/7/08.
2. As all assets are in the Trust and assuming there are no assets in the conservatorship (per minute order 9/24/08), no recording of Letters required.
3. Statement re care plan filed in the confidential envelope.
4. Six month CI report has been filed.
5. Objections to Inventory were filed 10/10/08. The court set the objections for hearing on 12/16/08. However, the objections are to be set within 15 days from

the date of their filing per Pr.C. §2614(a). Perhaps the court would wish to advance the date on the hearing for the objections to the inventory. JTD

RECOMMENDATION

Court's discretion. Court may wish to advance the date on the objections to inventory for 11/19/08.

(abs/kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00484

CASE NAME: MTR OF COLETTA M OSBORNE AKA COLETTA MAE OSBORNE

HEARING:
Petition for ALLOWANCE OF ATTORNEY'S FEES

COUNSEL:

FRANKLIN E OSBORNE	(PET)...
COLETTA M OSBORNE	(PCE)...SANDY TURNER
DIANE D HARKISON	(CE)...M DANIEL SAYLOR
COLETTA M OSBORNE	(PET)...SANDY TURNER
LYNN A SHARP	(OBJ)...STANLEY W HODGE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Court appointed attorney fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner, Sandy Turner, was appointed for the conservatee 7/14/05.
2. Petitioner requests fees of \$3,396.25 for legal services during the period 2/12/08 – 9/17/08. Billing is based on a rate of \$275/hour for 12.35 hours.
3. **Objections file by Attorney Stanley Hodge to requested attorney's fees.**

RECOMMENDATION:
Set for contested hearing.

FUTURE HEARING DATES:
12/17/08 Conservatorship Compliance Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00502

CASE NAME: MATTER OF SOLEDAD SERNA
COMPANION FILE= PROPS0700030

HEARING:
Hearing re Final Discharge

COUNSEL:
STEPHEN SERNA (CPE)...DAVID & TURNER
SOLEDAD SERNA (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. First & final accounting approved 10/31/07.
2. Need receipts of distribution
3. Need Ex-parte petition/order for final discharge.

RECOMMENDATION:
Inquire status.
(kra)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00524

CASE NAME: MATTER OF SALLY WULFE SMITH

HEARING:
Accounting Review

COUNSEL:
HARRIET GENDELL (CPE)...JANET M HERRING
SALLY WULFE SMITH (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 12/19/07 Court approved the 1st account current; 2nd account now due.
2. No accounting filed.

RECOMMENDATION:

Inquire status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(kra)

Superior Court of Calif, County of San Bernardino

Page: 31

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00538
CASE NAME: MATTER OF KATHRYN R SCHMIDT

SEE ALSO 32

HEARING:
Petition for FOR ATTORNEY'S FEES

COUNSEL:
DAVID BROMBACH (PET)...ROBERTA L. TAYLOR & ASSOCIATES
ELIZABETH BROMBACH (PET)...ROBERTA L. TAYLOR & ASSOCIATES
KATHRYN R SCHMIDT (CPE)...

GENERAL INFORMATION:

Continued from 9/3/08 for written objections by David and Elizabeth Brombach. Ms. Kennedy agrees to fees requested by Ms. Taylor. Motion to be relieved as counsel is granted. Attorney Kennedy is relieved.

THIS CASE SET FOR HEARING ON Petition for Attorney's Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner has represented the Co-Conservators and the estate of Kathryn R Schmidt since 07/05/06.
2. Petitioner requests fees of \$31,150.00 for 112.75 hours at \$240 hour. 1 hr at \$80 hour for paralegal and 17.25 hrs at \$200.00 for attorney assistant and Costs totaling \$2,955.35; all itemized. Petitioner has been paid to \$6,500.00 with a balance of \$27,605.35 remaining. Petitioner has agreed to discount the amount owing for legal fees and allowable costs by \$3,706.05. Therefore, petitioner requests fees in the reduced amount of \$24,000. Need paralegal qualifications per California rule of Court 7.703(e). Need to file verified supplement.
3. **Objections filed by David and Elizabeth Brombach.**
4. **Response to objections are filed.**

RECOMMENDATION

Need to clear note 2 then set for contested hearing.
(cbr/kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/05/08 TIME: 10:30 DEPT: E2

CASE #: VC VS00538

CASE NAME: MATTER OF KATHRYN R SCHMIDT

SEE ALSO 31

HEARING:
Accounting Review

COUNSEL:
DAVID BROMBACH (PET)...ROBERTA L. TAYLOR & ASSOCIATES
ELIZABETH BROMBACH (PET)...ROBERTA L. TAYLOR & ASSOCIATES
KATHRYN R SCHMIDT (CEP)...

GENERAL INFORMATION:

Letters of Conservatorship (person and estate) issued 9/29/06
Continued from 7/16/08 at request of counsel.

Continued from 9/3/08. Petitioners to file an accounting for the period 9/29/06 – 9/29/07 and begin preparing the next accounting.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. It does not appear an accounting has ever been filed. Thus, need first accounting to cover the period 9/29/06 – 9/29/07.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN **MISC.**

DATE: 11/05/08 TIME: 1:30 DEPT: E2

CASE #: PROPS0700870

CASE NAME: JUANITA MARIE BUELL

HEARING:
Mandatory Settlement Conference

COUNSEL:
SHEILA BUELL (PET)...DUANE P BOOTH
JUANITA MARIE BUELL (DEC)...
TOYOTA MOTOR CREDIT CORP (TP)...WELTMAN, WEI NBERG & REIS

No calendar notes as this is on for Mandatory Settlement Conference.